

SECTION J - LIST OF ATTACHMENTS

- J.1** 28 U.S.C. § 753
- J.2** Reporters Authorized to Work Under This Contract.
- J.3** Maximum rates and delivery times for original transcripts and copies including CJA rates.
- J.4** Public Voucher for Purchases and Services Other Than Personal, Standard Form 1034.
- J.5** Criminal Justice Act Form 24.
- J.6** Transcript Order Form, AO 435.
- J.7** Chapter XVIII, Guide to Judiciary Policies and Procedures.
- J.8** Wage Determination No. **1994-2441, 1994-2439 and 1994-2569**
- J.9** Reporter's Biographical Information Sheet
- J.10** Offeror's References Information

Sec. 753. - Reporters

- (a) Each district court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands shall appoint one or more court reporters.

The number of reporters shall be determined by the Judicial Conference of the United States.

The qualifications of such reporters shall be determined by standards formulated by the Judicial Conference. Each reporter shall take an oath faithfully to perform the duties of his office.

Each such court, with the approval of the Director of the Administrative Office of the United States Courts, may appoint additional reporters for temporary service not exceeding three months, when there is more reporting work in the district than can be performed promptly by the authorized number of reporters and the urgency is so great as to render it impracticable to obtain the approval of the Judicial Conference.

If any such court and the Judicial Conference are of the opinion that it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination and fix the salary for the performance of the duties combined.

- (b) Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge. The regulations promulgated pursuant to the preceding sentence shall prescribe the types of electronic sound recording or other means which may be used. Proceedings to be recorded under this section include (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as¹ may be requested by any party to the proceeding.

The reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

¹ So in original. Probably should be "or as".

The reporter or other individual designated to produce the record shall transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him and filed with the clerk as provided in this subsection. He shall also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.

The reporter or other designated individual shall promptly delivery to the clerk for the records of the court a certified copy of any transcript so made.

The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record.

The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge.

- (c) The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts.
- (d) The Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporters. Such records shall be inspected and audited in the same manner as the records and accounts of clerks of the district courts, and may include records showing:
 - (1) the quantity of transcripts prepared;
 - (2) the fees charged and the fees collected for transcripts;
 - (3) any expenses incurred by the reporters in connection with transcripts;
 - (4) the amount of time the reporters are in attendance upon the courts for the purpose of recording proceedings; and
 - (5) such other information as the Judicial Conference may require.

- (e) Each reporter shall receive an annual salary to be fixed from time to time by the Judicial Conference of the United States. For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence. All supplies shall be furnished by the reporter at his own expense.
- (f) Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.
- (g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association, or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court

ATTACHMENT J2 TO CONTRACT NO. 0979-04-503

REPORTERS AUTHORIZED TO WORK UNDER CONTRACT NO. 0979-04-503

Reminder: At the time of award, the Court is required to ensure that all approved reporters are listed by name in Attachment J2.

The following reporters are authorized to provide services under this contract:
[Insert only those names of reporters meeting the qualifications]

Any additions/substitutions to the above list shall be subject to approval of the Contracting Officer.

**MAXIMUM TRANSCRIPT RATES - ALL PARTIES
PER PAGE**

| | <u>Original</u> | <u>Copy to Each Party</u> | <u>Each Add'l Copy To the Same Party</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------|--------------------------------------------------|
| <u>Ordinary Transcript</u> A transcript to be delivered within thirty (30) calendar days after receipt of an order. | 3.30 | .83 | .55 |
| <u>Expedited Transcript</u> A transcript to be delivered within seven (7) calendar days after receipt of an order. | 4.40 | .83 | .55 |
| <u>Daily Transcript</u> A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day. | 5.50 | 1.10 | .83 |
| <u>Hourly Transcript</u> A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours. | 6.60 | 1.10 | .83 |
| <u>Realtime Transcript</u> A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment. | 2.75 | 1.10 | |

Transcript in CJA Cases

In multi-defendant cases involving CJA defendants, the court reporter shall produce no more than one transcript on behalf of CJA defendants. One of the appointed counsel or the clerk of court should arrange for the duplication, at commercially competitive rates, of enough copies of the transcript for the CJA defendants for whom a transcript has been approved. The cost of such duplication will be charged to the CJA appropriation. This policy would not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate.

(OR INSERT THE COURT'S FEE SCHEDULE NOT TO EXCEED THE RATES ABOVE)

**PUBLIC VOUCHER FOR PURCHASES AND
SERVICES OTHER THAN PERSONAL**

| | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------|------------------------|---------------|
| U. S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION | | DATE VOUCHER PREPARED | | VOUCHER NUMBER | | |
| | | | | PAID BY | | |
| | | CONTRACT NUMBER AND DATE | | | | |
| | | | | | | |
| | | REQUISITION NUMBER AND DATE | | | | |
| PAYEE'S NAME AND ADDRESS | | | | | DATE INVOICE RECEIVED | |
| | | | | | | |
| | | | | | DISCOUNT TERMS | |
| | | | | | | |
| | | | | | PAYEE'S ACCOUNT NUMBER | |
| SHIPPED FROM TO WEIGHT | | | | | GOVERNMENT B/L NUMBER | |
| NUMBER AND DATE OF ORDER | DATE OF DELIVERY OR SERVICE | ARTICLES OR SERVICES (Enter description. Item number of contract or federal supply schedule. And other information deemed necessary) | QUANTITY | UNIT PRICE | | AMOUNT (1) |
| | | | | COST | PER | |
| | | | | | | |
| | | | | | | |
| (Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL | | | | | | |
| PAYMENT: <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE | APPROVED FOR | EXCHANGE RATE | DIFFERENCES | | | |
| | = \$ | = \$ 1.00 | | | | |
| | BY | | | | | |
| | TITLE | | | | | |
| | | | Amount verified; correct for | | | |
| | | (Signature or initials) | | | | |
| Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment. | | | | | | |
| (Date) (Authorized Certifying Officer) (Title) | | | | | | |
| ACCOUNTING CLASSIFICATION (Appropriation symbol must be shown; other classification optional) | | | | | | |
| | | | | | | |
| PAID BY | CHECK NUMBER | ON TREASURER OF THE UNITED STATES | CHECK NUMBER | ON (Name of bank) | | |
| | CASH \$ | DATE | PAYEE, | | | |
| 1 When stated in foreign currency, insert name of currency. 2 If the ability to certify and authority to approve are combined in one person, one signature is only necessary; otherwise the approving office will sign in the space provided, over his official title. 3 When a voucher is resubmitted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: John Doe Company, per John Smith, Secretary, or Treasurer, as the case may be. | | | | PER | | |
| | | | | TITLE | | |

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------|
| 1. CIR./DIST./ DIV. CODE | 2. PERSON REPRESENTED | VOUCHER NUMBER | |
| 3. MAG. DKT./DEF. NUMBER | 4. DIST. DKT./DEF. NUMBER | 5. APPEALS DKT./DEF. NUMBER | 6. OTHER DKT. NUMBER |
| 7. IN CASE/MATTER OF (Case Name) | 8. PAYMENT CATEGORY | | 10. REPRESENTATION TYPE (See Instructions) |
| | <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Appeal </div> <div> <input type="checkbox"/> Petty Offense <input type="checkbox"/> Other </div> </div> | | |
| 9. TYPE PERSON REPRESENTED | | | |
| <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Other </div> <div> <input type="checkbox"/> Appellant <input type="checkbox"/> Appellee </div> </div> | | | |
| 11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> | | | |

REQUEST AND AUTHORIZATION FOR TRANSCRIPT

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) | |
| 13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). <i>NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).</i> | |
| 14. SPECIAL AUTHORIZATIONS | JUDGE'S INITIALS |
| A. Apportioned _____ % of transcript with (Give case name and | |
| B. <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly Transcript <input type="checkbox"/> Realtime Unedited Transcript | |
| C. <input type="checkbox"/> Prosecution Opening <input type="checkbox"/> Prosecution <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions | |
| D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act. | |
| 15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="display: flex; justify-content: space-between;"> <div>_____ Signature of Attorney</div> <div>_____ Date</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____ Printed Name</div> <div>_____ Telephone</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization </div> | 16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____ Signature of Presiding Judicial Officer or By Order of the Court</div> <div>_____ Date of Order</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____ Nunc Pro Tunc Date</div> </div> |

CLAIM FOR SERVICES

| | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------|-----------|-------------------------|-------|
| 17. COURT REPORTER/TRANSCRIBER STATUS <input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other | 18. PAYEE'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS _____ _____ _____ Telephone _____ | | | | | |
| 19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE _____ _____ | | | | | | |
| 20. TRANSCRIPT | INCLUDE PAGE NUMBERS | NO. OF PAGES | RATE PER PAGE | SUB-TOTAL | LESS AMOUNT APPORTIONED | TOTAL |
| Original | | | | | | |
| Copy | | | | | | |
| Expense (Itemize) | | | | | | |
| TOTAL AMOUNT CLAIMED: | | | | | | |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of _____ Dat _____ | |
| ATTORNEY CERTIFICATION | |
| 22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date | |
| APPROVED FOR PAYMENT — COURT USE ONLY | |
| 23. APPROVED FOR PAYMENT _____ Signature of Judicial Officer or Clerk of Court Date | 24. AMOUNT APPROVED |

INSTRUCTIONS FOR CJA FORM 24

AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM. ACCURACY AND THOROUGHNESS WILL AID IN THE PROMPT PAYMENT OF THE CLAIM

USE A TYPEWRITER IF POSSIBLE OTHERWISE WRITE LEGIBLY WITH BALLPOINT PEN AND BE SURE THAT WRITING GOES THROUGH TO THE LAST COPY. IF ADDITIONAL SPACE IS NEEDED TO COMPLETE ANY ITEM ON THE FORM, ATTACH CONTINUATION SHEETS.

ITEM 1: JURISDICTION - Check the box that categorizes the type of court in which the transcript request is made. If you check the box "Other", be sure to specify the forum in the space provided.

ITEM 2-4: DOCKET NUMBERS - Self Explanatory

ITEM 5: FOR (DISTRICT/CIRCUIT) - Enter the name of the district or circuit in which the transcript request is made

ITEM 6: IN THE CASE OF - In criminal cases, enter U.S. vs. the defendant's name. If there is more than one defendant, enter only the name of the defendant who is the person represented (the person for whom the transcript services are requested). If the person represented is not a defendant (e.g., a material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus, NARA), enter the name of the petitioner vs. the name of the respondent and include the respondent's title.

ITEM 7: PERSON REPRESENTED - Enter the full name of the person for whom representation is being provided (the person for whom the transcript services are requested.) Only one "person represented" should be entered on each voucher.

ITEM 8: LOCATION/ORGANIZATION CODE - Obtain this number from the clerk of court.

ITEM 9: PROCEEDINGS IN WHICH TRANSCRIPT IS TO BE USED - Describe briefly the nature of the proceeding or other purpose for which the transcript is required (e.g., motion hearing, trial preparation, trial, appeal).

ITEM 10: PROCEEDING TO BE TRANSCRIBED - State specifically the type of proceedings to be transcribed (e.g., preliminary hearing, arraignment, plea, sentencing, trial, motions, parole or probation revocation proceedings, state court proceedings, deposition). Note the restriction on trial transcripts (see Item 13C).

ITEM 11: ATTORNEY'S STATEMENT - This must be signed and dated by counsel for the person represented (or by a person proceeding *pro se* under the CJA). Check the appropriate box to designate your status as an attorney from a Federal Public Defender Organization (FPD), a Community Defender Organization (CDO), a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the transcript service, or a person who qualifies for representation under the CJA but who has chose to proceed *pro se*.

ITEM 12: COURT ORDER - This must be signed and dated by the presiding judicial officer. No additional court order is necessary.

ITEM 13: SPECIAL AUTHORIZATION - These services may be provided only if specially authorized:

- A. **Apportionment of Transcript Costs**- The Judicial Conference has stated that the total cost of accelerated transcript services should not be *routinely* apportioned among the parties.
- B. **Types of Transcripts**-
 - (1) Ordinary - to be delivered within 30 calendar days after receipt of order.
 - (2) Expedited - to be delivered within 7 calendar days after receipt of an order.
 - (3) Daily - to be delivered following adjournment and prior to the normal opening hour of the court on the following morning, whether or not it actually is a court day.
 - (4) Hourly - ordered under unusual circumstances to be delivered within 2 hours.

Note: All but *ordinary* services require special prior judicial authorization.

C Trial Transcripts-In the absence of special prior authorization, trial transcripts shall exclude the prosecution opening statement, the defense opening statement, the prosecution rebuttal, the voir dire and jury instructions.

(D) Multi-defendant Cases - According to Judicial Conference policy, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants in multi-defendant cases. Arrangements should be made for the duplication, at commercially competitive rates of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved. The cost will be paid from CJA funds. This policy does not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate. In addition, the court may grant an exception to this policy based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to person proceeding under the CJA. See paragraph 3.12C of the Guidelines for the Administration of the Criminal Justice Act. Volume VII. *Guide to Judiciary Policies and Procedures*.

ITEM 14: JUDGE'S INITIALS - If any of the special authorizations noted in Item 14 are granted, the presiding judicial officer must initial in the space provided.

ITEM 15-19: Self Explanatory

ITEM 20: TRANSCRIPT COST - Cost per page of transcripts claimed by official court reporters, contract court reporters, and transcribers of taped proceedings may not exceed those rates in effect at the time authorization was made. A page of transcript shall consist of 25 lines typed on paper 8-1/2 x 11 inches in size, prepared for binding on the left side, with a 1-3/4 inch margin on the left side and a 3/8 inch margin on the right side. Typing shall be 10 letters to the inch. Generally, persons proceeding under the Criminal Justice Act may receive only the original or a copy of the transcript. Two lines for transcript costs have been provided to reflect that the page rate will vary depending upon whether the party received the original or a copy of the transcript. Two lines for transcript costs have been provided to reflect that the page rate will vary depending upon whether the party received the original or a copy, and that certain portions may be at a higher rate for accelerated service. (If more lines are needed to reflect these factors, attach an additional sheet and record the information in the same format as on the form). Be sure to enter the page numbers for each segment of the transcript.

Note: Reimbursement of expenses may be claimed only for the following expenses:

- (1) Travel and subsistence of assistants who aid in preparation of daily or hourly transcript, if authorized in advance by the presiding judicial officer, and
- (2) Extraordinary delivery costs, such as courier services or express mail (regular postage is not reimbursable). Expenses claimed should be set forth specifically and receipts attached.

ITEM 21 - CLAIMANT'S CERTIFICATION - Generally, the person providing the transcript services will sign here. However, if the attorney has already paid for the transcript, reimbursement may be sought on this form by signing the claimant's certification. In the event, the attorney also must be listed as payee at Item 17, and the information required at Items 17-19 should relate to the attorney.

ITEM 22: CERTIFICATION OF ATTORNEY OR CLERK - The purpose of this time is to obtain the attorney's verification of receipt of the transcript. Clerks of court may verify receipt on behalf of *pro se* persons, and on behalf of all local court rule

ITEM 23: Self-explanatory

ITEM 24-25: APPROVED FOR PAYMENT - After reviewing for reasonableness and compliance with the CJA and CJA *Guidelines*, the presiding judicial officer must enter the amount approved in Item 25 and sign and date Item 24.

THE BOX IN THE UPPER RIGHT-HAND CORNER OF THE FORM SET OFF IN BOLD LINES IS FOR THE USE OF THE DISBURSING OFFICER.
AFTER THE TRANSCRIPT SERVICES HAVE BEEN RENDERED AND THE VOUCHER APPROVED, THE FORMS ARE TO BE DISPOSED OF AS FOLLOWS: ORIGINAL - MAILED TO ADMINISTRATIVE OFFICE AFTER DISBURSEMENT.
COPY 1- RETAINED BY DISBURSING OFFICER.
COPY 2- RETAINED IN COURT'S FILES.
COPY 3- RETAINED BY PAYEE

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|----------------------|------------------------------------------------------|-------------|
| AO 435 (Rev. 1/90) | | Administrative Office of the United States Courts | | FOR COURT USE ONLY DUE DATE: | |
| TRANSCRIPT ORDER | | | | | |
| Read Instructions on | | | | | |
| 1. NAME | | 2. PHONE NUMBER | | 3. DATE | |
| 4. MAILING ADDRESS | | 5. CITY | | 6. STATE | 7. ZIP CODE |
| 8. CASE NUMBER | 9. JUDICIAL OFFICIAL | DATES OF PROCEEDINGS | | | |
| | | 10. FROM | | 11. | |
| 12. CASE NAME | | LOCATION OF PROCEEDINGS | | | |
| | | 13. | | 14. | |
| 15. ORDER FOR <input type="checkbox"/> APPEAL <input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL JUSTICE ACT <input type="checkbox"/> BANKRUPTCY <input type="checkbox"/> NON-APPEAL <input type="checkbox"/> CIVIL <input type="checkbox"/> IN FORMA PAUPERIS <input type="checkbox"/> OTHER | | | | | |
| 16. TRANSCRIPT REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which transcript is requested) | | | | | |
| PORTIONS | | DATE(S) | | PORTION(S) | |
| DATE(S) | | | | | |
| <input type="checkbox"/> VOIR DIRE | | | | <input type="checkbox"/> TESTIMONY (Specify Witness) | |
| <input type="checkbox"/> OPENING STATEMENT (Plaintiff) | | | | | |
| <input type="checkbox"/> OPENING STATEMENT | | | | | |
| <input type="checkbox"/> CLOSING ARGUMENT (Plaintiff) | | | | <input type="checkbox"/> PRE-TRIAL PROCEEDING | |
| <input type="checkbox"/> CLOSING ARGUMENT (Defendant) | | | | | |
| <input type="checkbox"/> OPINION OF COURT | | | | | |
| <input type="checkbox"/> JURY INSTRUCTIONS | | | | <input type="checkbox"/> OTHER (Specify) | |
| <input type="checkbox"/> SENTENCING | | | | | |
| <input type="checkbox"/> BAIL HEARING | | | | | |
| 17. ORDER | | | | | |
| CATEGORY | ORIGINAL (Includes Free Copy for the Court) | FIRST COPY | ADDITIONAL COPIES | NO. OF PAGES ESTIMATE COSTS | |
| ORDINARY | <input type="checkbox"/> | <input type="checkbox"/> | NO. OF COPIES | | |
| EXPEDITED | <input type="checkbox"/> | <input type="checkbox"/> | NO. OF COPIES | | |
| DAILY | <input type="checkbox"/> | <input type="checkbox"/> | NO. OF COPIES | | |
| HOURLY | <input type="checkbox"/> | <input type="checkbox"/> | NO. OF COPIES | | |
| CERTIFICATION (18. & 19.) By signing below, I certify that I will pay all charges (deposit plus additional) | | | | ESTIMATE TOTAL | |
| 18. SIGNATURE | | | | PROCESSED BY | |
| 19. DATE | | | | PHONE NUMBER | |
| TRANSCRIPT TO BE PREPARED BY | | | | COURT ADDRESS | |
| | | | | | |
| DATE | | | | BY | |
| ORDER RECEIVED | | | | | |
| DEPOSIT PAID | | | | DEPOSIT PAID | |
| TRANSCRIPT ORDERED | | | | TOTAL CHARGES | |
| TRANSCRIPT RECEIVED | | | | LESS DEPOSIT | |
| ORDERING PARTY NOTIFIED TO PICK UP TRANSCRIPT | | | | TOTAL REFUNDED | |
| PARTY RECEIVED TRANSCRIPT | | | | TOTAL DUE | |

(Previous editions of this form may still be used)

DISTRIBUTION:

COURT COPY

TRANSCRIPTION COPY

ORDER RECEIPT

ORDER COPY

INSTRUCTIONS

GENERAL

Use. Use this form to order transcript of proceedings. Complete a separate order form for each case number for which transcript is ordered.

Completion. Complete Items 1-19. Do *not* complete shaded areas which are reserved for the court's use.

Order Copy. Keep a copy for your records.

Mailing or Delivering to the Court. Mail or deliver the original, and two copies to the Clerk of Court.

Deposit Fee. The court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

Deliver Time. Delivery time is computed from the date of receipt of the deposit fee.

Completion of Order. The court will notify you when the transcript is completed.

Balance Due. If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

SPECIFIC

Items 1-19. These items should always be completed.

Item 8. Only one case number may be listed per order.

Item 15. Place an "X" in each box that applies.

Item 16. Place an "X" in the box for each portion requested. List specific date(s) of the proceedings for which transcript is requested. Be sure that the description is clearly written to facilitate processing. Orders may be placed for as few pages of transcript as are needed.

Item 17. *Categories.* Only four (4) categories of transcripts may be ordered. These are:

Ordinary. A transcript to be delivered within thirty (30) calendar days after receipt of an order. (Order is considered received upon receipt of the deposit.)

Expedited. A transcript to be delivered within seven (7) calendar days after receipt of an order.

Daily. A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.

Hourly. A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.

NOTE: Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary *delivery* rate.

Ordering. Place an "X" in each box that applies. Indicate the number of additional copies ordered.

Original. Original typing of the transcript. An original must be ordered and prepared prior to the availability of copies. The original fee is charged only once. The fee for the original includes the free copy for the court.

First Copy. First copy of the transcript after the original has been prepared. All parties ordering copies must pay this rate for the first copy ordered.

Additional Copies. All other copies of the transcript ordered by the same party.

Item 18. Sign in this space to certify that you will pay all charges. (This includes the deposit plus any additional charges.)

Item 19. Enter the date of signing.

Shaded Area. Reserved for the court's use.

CHAPTER 18. TRANSCRIPT FORMAT

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PART 18.1 Introduction.

The Judicial Conference prescribed the transcript format in 1944 in order to assure that each party is treated equally throughout the country. Although the Conference has made some adjustments from time to time, the format has remained substantially the same. It is essential that the format requirements be followed because minor changes result in significant monetary losses to parties. No court, judge, supervisor, reporter, or transcriber may authorize a deviation from the requirements set forth by the Judicial Conference. The per-page transcript rates are based on strict adherence to the prescribed format. The

format standards incorporate government standards for archival materials and assure that all transcript produced in federal courts is produced on the same basis.

PART 18.2 Judicial Conference Policy.

“Transcripts may be sold in computer diskette form in ASCII format, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies.

“Each page of transcript sold on diskette must be formatted consistent with the Judicial Conference’s approved transcript format guidelines, and diskettes may not contain any protection or programming codes that would prevent copying or transferring the data. (Report of Proceedings of the Judicial Conference of the United States, September 1991, page 65.)

“In order to conform to available technology, the Judicial Resources Committee recommended, and the Judicial Conference approved, an amendment to the transcript format guidelines to delete the requirement that words be hyphenated at the end of a line of transcript text. (Report of the Proceedings of the Judicial Conference of the United States, March 1995, page 22.)

“On recommendation of the Committee on Judicial Resources, the Conference modified the Transcript Format Guidelines to provide an exception to the requirement that each page of transcript contain 25 lines of text. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions in jury trials when the transcript is produced under the daily or hourly delivery schedule and the exception is approved by the presiding judicial officer. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review. (Report of the Proceedings of the Judicial Conference of the United States, March 1996, page 26.)

PART 18.3 Compressed Transcript.

As with diskettes, court reporters and transcribers who have the capability may sell compressed transcripts on a per page basis. However, there is not requirement to provide such service.

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PART 18.4 Realtime Unedited Transcript.

Realtime unedited transcript sold on computer diskette may be in ASCII format, or any other format requested by the ordering party and agreed to by the court reporter. It should include any notations made to the electronic file by the ordering party during proceedings. Diskettes may not contain any protection or programming codes that would prevent copying or transferring the data. The transcript format guidelines prescribed by the Judicial Conference apply to realtime unedited transcript with the following exceptions:

18.4.1 Realtime unedited transcript must be clearly marked as such with a header or footer which appears at the top or bottom of each page of transcript stating, "Realtime Unedited Transcript Only."

18.4.2 The realtime unedited transcript should not include an appearance page, an index, or a certification.

18.4.3 The diskette label may be of a different color than that used on diskettes containing the text of certified transcript and hand stamped with the words, "Realtime Unedited Transcript Only".

PART 18.5 Paper.

The format standards for paper transcript incorporate government standards for archival materials, as well as assure that all transcript produced in federal courts is produced on the same basis, whether by official staff, contract, or substitute reporters, or by transcription companies.

18.5.1 Size. Paper size is to be 8-1/2 X 11 inches.

18.5.2 Weight. The weight of paper is to be at least 13 pounds for both originals and copies.

18.5.3 Type. The paper type for both originals and copies is to be of chemical wood or better quality.

18.5.4 Color. White paper is to be used for both originals and copies.

PART 18.6 Ink Color.

Black ink is to be used for both originals and copies.

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PART 18.7 Preprinted Marginal Lines.

The use of preprinted solid left and right marginal lines is required. The use of preprinted top and bottom marginal lines is optional. All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

PART 18.8 Line Numbers.

Each page of transcription is to bear numbers indicating each line of transcription on the page.

PART 18.9 Typing.

18.9.1 Type Size. The letter character size is to be 10 letters to the inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)

18.9.2 Number of Lines per Page. Each page of transcription is to contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations cannot be considered part of the 25 lines of text.

An exception to the above requirement of 25 lines of text will be allowed when daily or hourly transcript of jury trials is produced and the exception is approved by the presiding judicial officer. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review.

18.9.3 Margins. Typing is to begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.

18.9.4 Spacing. Lines of transcript text are to be double spaced.

18.9.5 Upper/Lower Case. Upper and lower case is preferred but all upper case may be used.

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18.9.6 Indentations.

18.9.6.a Q and A. All "Q" and "A" designations shall begin at the left margin. A period following the "Q" and "A" designation is optional. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. Subsequent lines shall begin at the left margin. (See Exhibits 18.9-A through 18.9-E.)

Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

18.9.6.b Colloquy. Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

18.9.6.c Quotations. Quoted material other than depositions shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

18.9.7 Interruptions of Speech and Simultaneous Discussions. Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner. (See Exhibit 18.9-A, line 19 and Exhibit 18.9-B, line 10.)

18.9.8 Punctuation and Spelling. Punctuation and spelling shall be appropriate standard usage. For example, if a question in "Q" and "A" is indeed a question, it should be followed by a question mark. (See Exhibits 18.9-C through 18.9-E.)

18.9.9 Page Heading (Also Known as "Headers"). A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. A page heading should be provided on each page of witness testimony; a page heading is optional for other types of persons and/or event notations. Listing the last name of the witness or other party and the type of examination or other event is sufficient. Page headings shall appear above line 1 on the same line as the page number. This information is not to be counted as a line of transcript. (See exhibits 18.9-A through 18.9-E.)

18.9.10 Parentheses. Parenthetical notations are generally marked by parentheses; however, brackets may be used.

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Parenthetical notations shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for customary introductory statements such as call to order of court or swearing in a witness. See paragraph 18.10.2.a below for types of parenthetical notations. Parentheses are also used for indicating non-verbal behavior, pauses, and readback/playback. (See Exhibits 18.9-A through 18.9-E.)

18.9.11 Legibility. The original transcript and each copy are to be legible without any interlineations materially defacing the transcript.

PART 18.10 Content.

18.10.1 Verbal.

Except as noted below, the transcript shall contain all words and other verbal expressions uttered during the course of the proceeding.

18.10.1.a Striking of Portions of the Proceeding. No portion of the proceeding shall be omitted from the record by an order to strike. Regardless of requesting party, the material ordered stricken, as well as the order to strike, must all appear in the transcript. (See Exhibit 18.9-A.)

18.10.1.b Editing of Speech. The transcript should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken. (See Exhibit 18.9-B, line 8.) In the interest of readability, however, false starts, stutters, uhms and ahs, and other verbal tics are not normally included in transcripts; but such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.

18.10.1.c Reporting of Audio/Video Recordings. Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.

18.10.1.d Private Communications and Off the Record Conversations. Private communications and off the record conversations inadvertently recorded should not be included in the transcript. (See Exhibit 18.9-A, line 22.)

18.10.1.e Call to Order, Swearing in, or Affirmation of Witnesses or Jurors. Standard summary phrases shall be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses.

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These should appear in parentheses and begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

The following phrases can be employed:

(Call to Order of the Court)

(The Jury Is Sworn)

(The Witness Is Sworn)

(The Witness Is Affirmed)

18.10.1.f Identification of Speaker. All speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:

Proper Transcript:

| <u>Speaker</u> | <u>Identification</u> |
|----------------------------------|---------------------------------------------------|
| the judge | THE COURT |
| attorney | MR., MRS., MS., OR MISS + (<u>last name</u>) |
| witness (in colloquy) | THE WITNESS |
| interpreter | THE INTERPRETER |
| defendant (in criminal cases) | THE DEFENDANT |

(See Exhibits 18.9-A through 18.9-E.)

18.10.1.g Testimony Through Interpreter. When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless a parenthetical "(in English)" is inserted. (See Exhibits 18.9-D and 18.9-E.)

18.10.2 Nonverbal.

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18.10.2.a Designation of Portions of Proceedings and Time of Occurrence (Parenthetical Notations). Parenthetical notations in a transcript are a court reporter's or electronic court recorder operator's own words, enclosed in parentheses, recording

some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(1) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate.

Examples:

(Recess at 11:30 a.m.)

(Recess at 12:30 p.m., until 1:30 p.m.)

(Proceedings concluded at 5 p.m.)

(See Exhibit 18.9-A, line 4 and Exhibit 18.9-D, line 4.)

(2) Jury in/out.

Examples:

(Jury out at 10:35 a.m.)

(Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred in the presence of the jury, out of the presence of the jury, out of the hearing of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

(3) Defendant Present/Not Present. In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences. This designation should note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation should so indicate.

Examples:

(Bench conference on the record)

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some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(1) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate.

Examples:

(Recess at 11:30 a.m.)

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(Proceedings concluded at 5 p.m.)

(See Exhibit 18.9-A, line 4 and Exhibit 18.9-D, line 4.)

(2) Jury in/out.

Examples:

(Jury out at 10:35 a.m.)

(Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred in the presence of the jury, out of the presence of the jury, out of the hearing of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

(3) Defendant Present/Not Present. In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences. This designation should note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation should so indicate.

Examples:

(Bench conference on the record)

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(Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams)

(At side bar on the record)

(At side bar)

(End of discussion at side bar)

(See Exhibit 18.9-A, line 22.)

(5) Discussions off the Record. This designation should note where the discussion took place.

(6) Chambers Conferences. This designation should note the presence or absence of parties in chambers.

Examples:

(Discussion off the record in chambers with defendant not present)

(Discussion on the record in chambers with defendant present)

18.10.2.b Speaker/Event Identification. References to speakers and events that occur throughout proceedings should be properly noted in capital letters and centered on the appropriate line.

Examples:

AFTER RECESS

DIRECT EXAMINATION

CROSS EXAMINATION

REDIRECT EXAMINATION

RECROSS EXAMINATION

FURTHER REDIRECT EXAMINATION

PLAINTIFF'S EVIDENCE

PLAINTIFF RESTS

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DEFENDANT'S EVIDENCE

DEFENDANT RESTS

PLAINTIFF'S EVIDENCE IN SURREBUTTAL

(See Exhibit 18.9-A, lines 7 and 8.)

18.10.2.c Nonverbal Behavior, Pauses. It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior, i.e., physical gestures, and lengthy pauses on the part of a witness. If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Examples:

(Nods head up and down)

(Shakes head from side to side)

(Indicating)

(See Exhibit 18.9-C, line 14.)

18.10.2.d Readback/Playback. All readbacks and/or playbacks, and the party requesting should be noted parenthetically as follows:

(1) If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical should be used:

(The last question and/or answer was read/ played back)

(See Exhibit 18.9-E, line 17.)

(2) If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

(The record was replayed)

18.10.2.e Indiscernible or Inaudible Speech on Electronic Sound Recording. Incomplete records of proceedings are unacceptable in a court of law. It is

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therefore highly undesirable to have any portion of a transcript labeled "indiscernible" or "inaudible."

Every effort must be made to produce a complete transcript. The indication "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

PART 18.11 Title Page. (See Exhibit 18.11-A.)

18.11.1 Contents.

Each transcript is to include a title page indicating:

- a. Court name.
- b. District.
- c. Case name.
- d. Civil or criminal docket case number.
- e. Name and title of judge or other judicial officer presiding.
- f. Type of proceeding.
- g. Date and time of proceeding.
- h. Volume number (if multi-volume).
- i. Name and address of each attorney and name of party represented.
- j. Whether a jury was present.
- k. If steno based, court reporter's name, address, and telephone number.
- l. If electronic sound recording equipment based, audio operator's name, plus name, address, and telephone number of transcription company.
- m. Method by which the proceedings were recorded and the method by which the transcript was produced.

Examples:

- Proceedings recorded by mechanical stenography, transcript produced by notereading.
- Proceedings recorded by mechanical stenography, transcript produced by computer.
- Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
- Proceedings recorded by electronic sound recording, transcript produced by transcription service.

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18.11.2 Record of Appearance.

Beginning on the title page, the court reporter is to include the complete record of appearances.

18.11.3 Cost.

The court reporter may charge for the title page as a full page of transcript.

PART 18.12 Indexes.

18.12.1 Required.

Each volume is to contain an index which is to be numbered. It is preferable to have the index at the end. The court reporter may charge for the index page as a full page of transcript.

The index shall indicate the pages at which the direct examination, cross-examination, redirect examination, recross-examination, further redirect examination, and the recall of each witness begins. The index shall also indicate on behalf of whom the witness or witnesses were called, such as "PLAINTIFF'S WITNESSES," "WITNESSES FOR THE GOVERNMENT," "DEFENDANT'S WITNESSES," "WITNESSES FOR THE DEFENSE."

A separate table in the index should indicate the page at which any exhibit was marked for identification and received in evidence.

In a protracted case (i.e., a transcript of one thousand pages or more) in addition to the individual index, there may be a master index set forth in its own separate volume, consisting of a compilation of all of the individual indexes. (See Exhibit 18.12-A.)

18.12.2 Keyword.

No charge is permitted additional to the normal page rates for keyword indexing services. No additional charge is permitted for the cost of the diskette itself.

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PART 18.13 Numbering.

18.13.1 Pages.

The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days involved. The court reporter shall place the page number at the top right corner of the page flush with the right margin above the first line of transcription. The page number does not count as a line of transcript. The pagination of the transcript of the further proceedings in the same matter shall follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

18.13.2 Volumes.

Multi-volume transcripts should be numbered in either of the following ways:

Each volume of transcript should be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings. Pages may be numbered consecutively for each volume of transcript, with the cover page of each volume designated page 1. Using this method, page numbers will begin with a volume number followed by the page number.

Examples: 1-14 (Volume 1, page 14)
 2-54 (Volume 2, page 54)

If preferred, the pages may be numbered consecutively for an entire multiple-volume transcript.

Examples: 56 (Volume 1, page 56)
 521 (Volume 3, page 521)

(See Exhibits 18.9-A through 18.9-E.)

PART 18.14 Cover.

The court reporter is to cover at no charge the original and each copy of transcript with front and back covers of good quality, consisting of white or colored 140 pound index paper, #1 sulphite paper, heavy weight transparent plastic, or similar material as the court approves.

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PART 18.15 Punched Holes.

If the court reporter punches transcript with three (3) holes in the left margin, the holes are to be 4-1/4" center to center, with the middle hole centered in the page.

PART 18.16 Fastener.

The court reporter is to secure the transcript for each proceeding separately with a suitable fastener of permanent nature.

PART 18.17 Certification.

The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page. No additional fee is to be charged for the authentication and the certification. The certification is to appear on the last page of each volume of transcript.

If more than one court reporter or transcriber is involved in the production of the transcript being certified, then the certifications of each court reporter or transcriber involved shall be required at the end of each volume. (Note: The contents of the title page should not be repeated as part of the certification.)

A rubber stamp may be used to save time and space.

Sample Certification:

18.17.1 Stenography/Stenomask.

"I (we) certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter."

Signature of Court Reporter/
Transcriber

Date

typed or printed name

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18.17.2 Transcriber's Certification for Another's Notes

"I (we) certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by the court name , of the proceedings taken on the date and time previously stated in the above matter. I (we) further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action."

Signature of Transcriber

Date

typed or printed name

18.17.3 Electronic Sound Recording.

"I (we), court approved transcriber(s), certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter."

Signature of Approved Transcriber

Date

typed or printed name

PART 18.18 Copies.

Transcript copies may be reproduced by any method of reproduction which produces black text on white paper. There may be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.

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Hannan - Direct

2-24

1 MR. JONES: That is all I have for this witness.

2 THE COURT: All right, suppose we recess for a short
3 period now, say fifteen minutes.

4 (Recess at 10:30 a.m., until 10:45 a.m.)

5 MR. JONES: If it please the Court, Your Honor, the de-
6 fendant is ready to proceed. I would like to call Ann Hannan.

7 ANN D. HANNAN, DEFENDANT'S WITNESS, SWORN

8 DIRECT EXAMINATION

9 BY MR. JONES:

10 Q. Would you give your full name, Ann?

11 A. Ann D. Hannan.

12 Q. And where do you live?

13 A. At 425 Rockway Place, Lake Summit.

14 Q. And how have, I mean, how long have you lived there?

15 A. For about twenty years.

16 Q. And what do you do for a living?

17 A. I work as a checker at Green Grocery on Long Street.

18 Q. How long have you worked there, Miss Hannan?

19 A. I was hired by Clem Staples, I mean, the deceased --

20 MR. PLASKY: I object. Your Honor, I would like the
21 witness's answer stricken from the record as nonresponsive.

22 (Off the record discussion at side bar)

23 THE COURT: Objection sustained. Will you proceed.

24 BY MR. JONES:

25 Q. Miss Hannan, how many years did you work as a checker at

Hannan - Direct

2-25

1 Green Grocery Store?

2 A. For ten years and maybe three, four months.

3 Q. Did you work all that time?

4 A. (Witness nods head)

5 Q: Was that a yes, Miss Hannan?

6 A. Yeah.

7 Q. Were you ever laid off for any reason?

8 A. No, never, 'cause Mr. Staples seen where I was livin' and he
9 knew I needed the money.

10 Q. Why did you --

11 THE COURT: Pardon me, Counsel, for interrupting you
12 but I would like to ask the witness one question.

13 BY THE COURT:

14 Q. I don't understand what you mean by that statement. Please
15 explain what your living conditions were, Miss Hannan.

16 A. They were awful, Judge. The house had no electricity. We
17 only got a water pump two years ago.

18 THE COURT: Thank you. You may proceed, Counsel.

19 MR. JONES: Your Honor, at this time I would like to
20 call the Court's attention to the case of State versus Tilden
21 which states:

22 "On June 20, 1969, the defendant was on his way home
23 and was struck by an automobile which was traveling at
24 an excessive rate of speed, and defendant sustained
25 severe injuries and died an hour later."

1 THE COURT: I am familiar with that case. I had forgot-
2 ten all about it. That was a surprise ruling by the State Su-
3 preme Court. Based upon that case, it appears that I might dis-
4 miss the charges against the defendant in this case.

5 MR. PLASKY: I strongly object. I do not believe the
6 circumstances in this case fit the circumstances in that case at
7 all. Now, I have some questions of this witness, Your Honor.

8 CROSS EXAMINATION

9 BY MR. PLASKY:

10 Q. Did you force the plaintiff to drive into the country?

11 A. No.

12 Q. Did you ever see these car keys before? I will show you Peo-
13 ple's Exhibit 3.

14 A. That's it. See. Here (indicating) is the dented key.

15 MR. PLASKY: Let the record reflect the witness has
16 identified the dent on the key. I have nothing further, Your-
17 Honor.

18 THE COURT: Mr. Jones, do you have anything else?

19 REDIRECT EXAMINATION

20 BY MR. JONES:

21 Q. Did you at any time ever mark another set of keys?

22 A. No, I didn't.

23 MR. JONES: That's all I have.

24 THE COURT: Are you sure that there is no more testimony
25 for the record.

Ramirez - Direct

2-27

1 MR. PLASKY: Nothing further.

2 THE COURT: You may step down. I am going to call a
3 short recess.

4 (Recess from 3:35 p.m. until 4:05 p.m.; all parties present)

5 THE COURT: You may proceed, Mr. Jones.

6 MR. JONES: May it please the Court. I have a witness,
7 Mary Ramirez, and she only speaks Spanish. I have brought Jorge
8 Lopez, a Spanish teacher who has been officially certified by the
9 U.S. Courts to act as an interpreter.

10 THE COURT: Yes, Mr. Lopez has acted as an interpreter
11 in this Court before.

12 MR. PLASKY: I know Mr. Lopez and agree that he be the
13 interpreter.

14 THE COURT: I will have the deputy clerk administer the
15 oath to Mr. Lopez and then to Mrs. Ramirez.

16 (JORGE LOPEZ sworn to interpret Spanish into English)

17 MARY RAMIREZ, DEFENDANT'S WITNESS, SWORN

18 DIRECT EXAMINATION

19 BY MR. JONES:

20 Q. What is your name?

21 A. Mary Ramirez.

22 Q. Where do you live?

23 A. Now I live at 245 Davis Road, in Summerville, but I just
24 moved there three months ago. I am living with my mother and
25 father in their home.

Ramirez - Direct

2-28

1 Q. Do you remember the afternoon of July 14, 1979?
2 THE INTERPRETER: I am sorry, I didn't hear the date.
3 Did you say July 14?
4 MR. JONES: Yes.
5 THE INTERPRETER: She said, "Yes."
6 BY MR. JONES:
7 Q. And, where were you on July 14 at about 4 p.m.?
8 A. Shopping at SAVE-A-LOT.
9 Q. What time did you get to the store?
10 A. One.
11 BY MR. PLASKY: Your Honor, may we go off the record?
12 THE COURT: Yes
13 (Bench conference off the record)
14 THE COURT: You may proceed, Mr. Jones.
15 BY MR. JONES:
16 Q. May we have the last question and answer read back?
17 (The last question and answer was read)
18 Q. At about 4 p.m. did you see anything unusual?
19 A. I saw that woman over there (indicating) take a steak and put
20 it in a shopping bag. Her, her (indicating).
21 Q. You are pointing at the defendant, Lynn Roger, are you not?
22 A. Yes, that woman right there.
23 MR. JONES: Let the record show that the witness has
24 correctly identified the defendant.
25 THE COURT: I would like to make the record clear that

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENISE M. OLIVER and
ELIZABETH ANN MOODY,

Plaintiffs,

v.

WILLIAM FOUNDATION HOSPITALS,
C.Z. TORT, F.W. WINSTON,

Defendants.
.....

Docket No. CV 81-1224

St. Louis, Missouri
August 28, 1982
9:30 a.m.

VOLUME III
TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE ROBERT JUSTICE
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

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Proceedings recorded by mechanical stenography, transcript produced by
notereading.

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